

REMARKS

Claims 18, 19, 21-25, 27-30 and 32-34 are pending in the application after amendment herein and are presented for examination. Applicants have amended certain claims as indicated above. Applicants respectfully request a notice of allowance of the present application in view of the presented claim amendments and the following remarks.

Response to Claim Objections

Responsive to the Examiner's objection to claims 18, 20, 23, 24, 26, 33 and 34 due to identified informalities, the Applicant has amended these claims as the Examiner has suggested. The Applicants believe that the amendments overcome the objections and similar informalities in other claims.

Response to Claim Rejections Under 35 U.S.C. 102(b)

Claims 18, 20, 21, 29 and 32-34

Claims 18, 20, 21, 29 and 32-34 have been rejected under 35 U.S.C. 102(b) as unpatentable over Currivan (U. S. Patent Application Publication 2003/0031198).

The Applicants note that the Currivan reference is not prior art under Section 102(b) given the application's priority date of November 19, 2003.

Notwithstanding the above, the Applicants have amended independent claim 18 as set forth above to more clearly claim the subject matter that the Applicants regard as the invention. These amendments are supported by paragraphs [0008], [0013], and Figure 2 and are discussed in detail below.

The Examiner has cited to several Currivan paragraphs as disclosing the Applicant's signalization fields. However, with this amendment, the Applicants have added additional details of the signalization fields to claim 18; these additional details are not disclosed by Currivan. In particular, each signalization field of an information packet indicates the data packet group to which the information packet belongs and whether the information packet is the last information packet in the group. Similarly for the redundancy packets, the second signalization field indicates to which data packet group the redundancy packet belongs. This information in the signalization fields is required for reconstructing the data packet group at the receiver.

Currivan indicates only the number of the segment in the matrix of his Figure 7. But having only the segment number (or the information packet or the redundancy packet in the Applicants' vernacular) does not indicate whether a current segment is the last segment. Since the Applicants' data packet groups are of different sizes, the number of the current information packet or the current redundancy packet is not sufficient to reconstruct the data packet group. Only the Applicants disclose a flag indicating that an information packet or a redundancy packet is the last one in the data packet group. Of course, the "last" information and redundancy packets are required to reconstruct the data packet group at the receiver.

The Examiner's contention that Currivan paragraph [0087] discloses that the identification bits may be used as a counter to determine the order of the parity segments is true. But the counter cannot determine if a particular packet is the last packet in the data packet group. Only an indicator in the packet, as claimed by the Applicants, can be used to make this determination.

Also, the Applicants have added to claim 18 that the receiver waits a predetermined time before reconstructing the data packet group. As the Applicants explained in the application, the data packet groups may traverse different paths to the receiver. Thus the receiver must wait a time to ensure that it has received all packets of a data packet group before beginning the process of reconstructing the data packet group.

Since this "waiting" period was initially present in dependent claim 31 (and claim 31 cancelled), it is appropriate to address the Examiner's rejection of claim 31. The cited Burke patent application publication does not wait the predetermined time from receipt of the last information packet and the last redundancy packet. (Recall that the last information and redundancy packets are so indicated.) Burke discloses simply waiting. The Applicants' packets are not received in the order in which they were transmitted and the packets will not be received in the correct order. Therefore it is necessary to wait after the last information and redundancy packets have been received to ensure that any additional packets received will be added to the correct data packet group.

There is no disclosure in Currivan or the other cited art that an information packet may span more than one row in the data packet group. See the Applicants Figure 2. With the length of a data packet row as reconstructed at the receiver determined by a length of the redundancy packets (all redundancy packets having the same length), some of the information packets may therefore span more than one row.

Finally, the Applicants claim that “a size [e.g., number of rows and columns] of the data packet group can be determined from the information in the first and the second signalization fields and the length of a correctly received redundancy packet.” This size information may be important for reconstructing the data packet group at the receiver.

Rejected dependent claims 21, 29 and 32 are allowable over Currivan for the same reasons that independent claim 18 from which they depend is allowable, and each of the dependent claims specify other patentable features of the present invention. Claim 20 has been cancelled without prejudice.

Independent claim 33 has been amended to include the same claim elements related to the emitter, as present in amended claim 18. Amended claim 33 includes the various elements related to the contents of the first and second signalization fields, including especially the indicators identifying the data packet group to which the information and redundancy packet belongs and the one-bit field that indicates if the corresponding information or redundancy packet is the last one. Thus the remarks presented above related to these claim elements also apply to claim 33 and it is believed to be in allowable condition.

Independent claim 34 has been amended to include the same claim elements related to the receiver, as present in amended claim 18. Amended claim 34 includes the various elements related to the contents of the first and second signalization fields, including especially the indicators identifying the data packet group to which the information and redundancy packet belongs and the one-bit field that indicates if the corresponding information or redundancy packet is the last one. Claim 34 also includes the waiting period element and the various elements associated with the reconstructing step. Thus the remarks presented above related to these claim elements also apply to claim 34 and it is believed allowable over the cited art.

Response to Claim Rejections Under 35 U.S.C. 103(a)

Claim 19

Claim 19 has been rejected under 35 U.S.C. 103 (a) as unpatentable over the combination of Currivan and Belser (U.S. Patent Number 5,737,344).

This dependent claim is believed to be allowable over the cited art for the same reasons that independent claim 18 from which it depends is allowable, and further claim 19 claims other patentable elements of the invention.

Claims 22-24, 27 and 28

Claims 22-24, 27 and 28 have been rejected under 35 U.S.C. 103 (a) as unpatentable over the Currivan.

Dependent claims 22-24, 27 and 28 are believed to be allowable over the cited art for the same reasons that independent claim 18 from which they depend is allowable, and further these claims recite other patentable elements of the invention

Claim 25

Claim 25 has been rejected under 35 U.S.C. 103 (a) as unpatentable over the combination of Currivan and Willenegger (U.S. Patent Application Number 2003/0207696).

Claim 25 is believed to be allowable over the cited art for the same reasons that independent claim 18, from which it depends, is allowable, and further claim 25 claims other patentable elements of the invention

Claim 26

Claim 26 has been rejected under 35 U.S.C. 103 (a) as unpatentable over the combination of Currivan and Tsunoda (U.S. Patent Application Number 2003/0005387).

Claim 26 has been cancelled without prejudice.

Claim 30

Claim 30 has been rejected under 35 U.S.C. 103 (a) as unpatentable over the combination of Currivan and Agarwal (U.S. Patent Application Number 2004/0179486).

Claim 30 is considered allowable over the cited art for the same reasons that independent claim 18 from which it depends is allowable, and further claim 30 claims other patentable elements of the invention.

Claim 31

Claim 31 has been rejected under 35 U.S.C. 103 (a) as unpatentable over the combination of Currivan and Burke (U.S. Patent Application Number 2002/0141338).

Claim 31 has been cancelled without prejudice.

Serial No. 10/579,992
Atty. Doc. No. 2003P17645WOUS

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated:

March 11, 2009

By:

Janet D. Hood

Janet D. Hood

Registration No. 61,142

(47) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830